

REMARKS

Amendments

It is believed that the finality of the rejection should be withdrawn for the reasons set out above, and that the requested amendments should not, therefore, be subject to the conditions set out in 37 CFR 116(b) and (c). However, it is submitted that even if the finality of the rejection is not withdrawn, the requested amendments should be entered because they comply with the conditions of 37 CFR 116(b) and (c). In particular :--

- (i) The rewriting of claims 3,7, 17 and 20 in independent form, and the amendment of Claim 8 to make it dependent on, and consistent with, Claim 7, do no more than put these claims in condition for the allowance.
- (ii) Claim 10 has been rewritten in independent form. Consequently, Claims 1 and 6 have been canceled, and claims 2, 5, and 12-14 have been made dependent on Claim 10 instead of Claim 1. Since Claim 10 was previously in the application in dependent form, consideration of it in independent form does not raise any new issue. It is, however, to be noted that Claim 10 has also been amended to make it clear that the SCC copolymer can consists essentially of units derived from the (a) units (units derived from at least one n-alkyl acrylate or methacrylate in which the n-alkyl group contains 12 to 50 carbon atoms), i.e. that the presence of the (b) units is not a necessary requirement of the Claim. Furthermore, as discussed in detail below, it is submitted that Claim 10 is patentable over the Kao Corp. reference for substantially the same reasons as the Examiner found Claims 7 and 20 to be allowable if rewritten in independent form.
- (iii) Claims 15 and 16 have been canceled.
- (iv) Insofar as the Examiner may consider that any of the requested amendments should not otherwise be considered after a final rejection, it is submitted that the circumstances under which the full translation of the Kao Corp. reference came to be considered constitute good and sufficient reasons why such amendments are necessary and were not earlier presented (Rule 116(c)).

The rejection under 35 U.S.C. 103

Applicant respectfully traverse the rejection of claims 1,2, 5, 6, 8-16, 18 and 19 under 35 U.S.C. 103 as unpatentable over Kao Corp. JP-4-100534A, insofar as the rejection is applicable to the amended claims, for the following reasons.

The Kao Corp. reference requires that the polymeric thickener should be a copolymer containing both perfluoroalkyl groups and alkyl groups. Claim 10 requires that substantially all the units of the polymeric thickener are derived from alkyl acrylates or methacrylates in which the alkyl groups are n-alkyl groups containing 12 to 50 carbon atoms, or alkyl groups which are not n-alkyl groups containing 10 to 50 carbon atoms. The term alkyl group does not include perfluoroalkyl groups. Thus Claim 10 excludes the possibility that the polymeric thickener includes the perfluoroalkyl groups which are essential to the reference. The Examiner found Claims 7 and 20, which require that the polymeric thickener should be a homopolymer, to be patentable over the reference, and it is believed that he did so because these claims exclude the possibility that the polymeric thickener contains both perfluoroalkyl groups and alkyl groups, while covering the use of polymeric thickeners which contain either alkyl groups or perfluoroalkyl groups. Claim 10 is directly to copolymers, not homopolymers, but likewise excludes the possibility that the polymeric thickener contains both perfluoroalkyl groups and alkyl groups, while covering the use of polymeric thickeners in which substantially all the units of the polymeric thickener are derived from alkyl acrylates or methacrylates (as further specified in the Claim). The Kao reference teaches away from the invention defined in Claim 10 because it teaches that, in order to obtain useful results, it is essential that the polymeric thickener contains both perfluoroalkyl groups and alkyl groups. It is submitted, therefore, that Claim 10, and the claims dependent thereon, are patentable over the reference.

CONCLUSION

It is believed that this application is now in condition for allowance, and such action at an early date is earnestly requested. If, however, there are any outstanding issues which could usefully be discussed by telephone, the Examiner is asked to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. H. P. Richardson', with a stylized flourish at the end.

T. H. P. Richardson

Registration No. 28,805

Tel No. 650 854 6304